App. F. IX-4

Previous References.

194 .
(Law .)

File No. Law 71-37
Serial Nos. 16

PRESERVED

Later References.
LR 443-41 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one only

70

Part B for Aug 41.

SUBJECT.

Reference from Dc. Bangalore in the matter of the further course of action to be taken against the order passed by the learned II Munsiff in miscellaneous case 173/33-34 on his file (M.K. Lakshmiah Setty vs DC Bangalore)

K. M. Krishnaswamy
8/11/41.

Filing of Revision petition to the High Court against the order passed in this case 173/33-34 on the file of the II Munsiff Bangalore (Lakshmiah Setty vs &c- Bangalore.

General and Revenue Secretariat | File No. 71 of 1937 | [App. F. III-2

Serial No.

DEC 16 1940
619

Flag 'E'

Letter no C.5.3576/37-38 dated 11th December 1940 from the Dc Bangalore District requesting sanction of Govt in the circumstances stated for filing a revision petition to the High Court against the order passed in the above case

1) The connected records are also enclosed for reference and return.

2) The Deputy Commr Bangalore District now requests sanction of Govt to file a revision petition to the High Court of Mysore against the order passed in this 173 of 33-34 on the file of the II Munsiff, Bangalore.

Flag 'E'

3) Kind reference is invited to the note of the PMr Bangalore dated 3rd December 1940, wherein he suggests that a revision petition may be filed, in the circumstances, to the High Court though it will be much out of time as the order in question was passed on 18th July 1940.

Flag 'D'

4) The request of the Dc Bangalore District is submitted for orders.

Revn 14/12

5) No Revision Petition can be filed against this order. It is time-barred. If there is any remedy it is by way of a Regular Suit.

Addl Secretary) 3 14/12/40

I Member) Hm 14/12

6) A note may be put up on the facts of the case & the present position regarding the Case.

3 14/12

17/12/40

Hm 17/12

NOTE—Contn. Sheet.

3634

Films of Revision petition against the order passed vide rule 173 of 33-34

File No. of 194 | General and Revenue Secretariat

Serial No.

7) A note as per directions contained in the minutes of the Member in para 6 supra is put up for approval.

Hqrs 'V'

Rowe 24/12

I Member)

Hm 2 26/12/40.

Hqrs 29/12

OFFICE OF THE FIRST MEMBER OF COUNCIL
DEC 27 1940
No. 6532

8) This may be brought up in person.

Nile 28/12/40

9) The P. Pr may be consulted & suitable action taken to ensure that the arrangements in person for the resumption of the land (on the revenue side) are carried into effect.

Nile 8/1/41

Hm 2 8/1/41

10) Returned above 3 8/1/41

Draft 2 fair 2 letter to Dr. Bangle submitted for approval

Hm 3 8/1/41

Rowe 8/1

P. 3095/dated 8th Jany 1941 issued to Dr. Bangle

11) It is now for orders if the file may be closed.

12) Hm 3 9/1/41

Rowe 9/1

In all future communications please quote
No. Cb-3756/37-38.
Enc.

Tel Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the 6th Jany. *194* 1.

3834 / 4099

Law 71-37-16

SECY. LAW DEPT. 8 JAN. 1941 GOVT OF MYSORE

FROM

S. Muninanjappa, Esq., B.A., B.L.,
Deputy Commissioner, i/c.
Bangalore District.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary
to the Government of Mysore.
Law Department, Bangalore.

SIR,

Subject:—

In inviting kind reference to this office letter of even number dated 12-12-1940 soliciting orders re. the further action to be taken against the order passed by the Second Munsiff, Bangalore, in Misc. Case No. 173/33-34 (Lakshmiah Setti VS. Deputy Commissioner, Bangalore) I have the honour to state that the City Superintendent of Police, Bangalore City, brings to notice the fact that the Second Munsiff has sent him a requisition for rendering police help for executing a warrant in regard to the land in question.

2. In the circumstances, I request that very early orders of Government may kindly be obtained to have a Civil Revision Petition filed in the high Court against the order of the Second Munsiff referred to.

I have the honour to be,
S i r,
Your most obedient servant,
S. Muninanjappa
Deputy Commissioner, i/c.
Bangalore District.

EVM/-

13) 1/ The dy Commr was written to in the matter vide yesterday. No further action appears necessary. Submitted with the file. No action necessary at present
3
9/1

9/1

4099 5425 756 360

Filing of Revision petition to another Court against the Orders passed in mis 173 of 33-34 on the file of the II Munsiff, Bangalore

General and Revenue Secretariat | File No. of 194 | [App. F. III-2

Serial No.	
P.W.D.I	Letter no. 1195/ dated 17th January 1941 from the PW Bangalore stating that he has requested the Bangalore to move the High Court or Govt and get the orders passed in mis case 173 of 33-34 on the file of the II Munsiff Bangle set aside
P.W.D.II	Letter no C-5-3756/3738 dated 17th Jany 1941 from the Deputy Comr Bangalore District, requesting that in the circumstances explained sanction may kindly be accorded for filing a revision petition in the above noted case. 14) Reference is invited to paras 5 to 10 Supra. The orders passed on the Revenue side for the resumption of the land in question conflict with the order passed by the ~~Board~~ Second Munsiff Bangle in his case 173 of 33-34 on his file. The case in the Munsiff's Court is stated to have been posted to 29th January 1941
Hearing date 29th Jany 1941	15) The Deputy Comr Bangle Dt states in P.W.D II that the Public Prosecutor who was consulted again in the matter advises that the resumption order in regard to the land passed on the Revenue side may be given effect to and that a revision application may be filed against the order of the II Munsiff - (Reference is invited to the note of the R[illegible] of the PW dated 12th January 1941 written on the back side of the Deputy Comr's letter) The connected records received are also herewith put up.
	16) Submitted for orders.
Revn 20/1 Dfwd	17) The file may be sent to the Govt Advocate, for early opinion on the Question raised by the D.C. in his P.W.D.

Law Secretary. 3 27/1/41

NOTE—Contn. Sheet.

4260.

Suit against order passed in Mis Case 173/33-34 on the file of the II Munsiff B'lore / Lakshmiah Setti vs D.C. Bangalore)

Law File No. of 194 . General and Revenue Secretariat

	Serial No.
18) The order to be revised was passed on 18-2-40 by the II Munsiff. The High Court do not ordinarily entertain Civil Revision petitions after 60 days of the order. It is over six months since the order was passed. The Revision is not the proper remedy. Perhaps a suit may be necessary to cancel the order in question. The D.C may intimate this to the Public Prosecutor and take such legal action as necessary immediately. Hm 2 20/1/41.	
19) Please Refer a Draft + four letters 3 25/1/41	
20) Draft + four letters to Mr Bangle Memorandum for enlargement. Hm 20/1/41. Hm 20/1	
P. 3739/ dated 20th January 1941 issued to Mr Bangle stating that Mr Bangle may be consulted again + suitable action taken immediately.	✓ Sns C
Letter no. C. 5-3756/37-38 dated 31st January 1941 from the Deputy Comr Bangalore District, seeking further instructions as to the exact course of legal action that could be taken in regard to the orders passed in Mis case no. 173/33-34 on the file of the II Munsiff Bangalore	

Reference from Dc. Bangalore in the matter of the order passed in his case. 1730/1933-34 on the file of the Collector Bangalore.

Serial No.

21) The Deputy Commr had been informed in this office letter dated 20th January 1941 that a suit may perhaps be filed in the case for the cancellation of the order in question and that the public prosecutor may be accordingly intimated and necessary legal action taken immediately

22) In his present letter (the P.W.D) the Deputy Commr Bangalore District states that the PPr Bangalore District who was again consulted in the matter is of opinion that the filing of a suit would lead to endless complications and that it would be better to await any action by the other party and then go to Court if need be and defend the action. A copy of the letter of the PPr in the matter is also enclosed for reference.

23) The deputy Commr seems to agree with the view taken by the public prosecutor and solicits further instructions as to the exact course of legal action that could be taken in the matter

Secretary 3/2

24) We have already intimated the D.C. to consult the P.Pr & take such legal action as deemed necessary. If the P.Pr is of opinion that Govt may await action on the part of the opposite party, it may be done, if by such a course, the interests of Govt is safeguarded. This fact may be intimated to the D.C. also.

25) (Secretary) 3
The Public Prosecutor may be sent for as the question at issue is not made clear. 3/4/41

26) Put up a draft & see me on Tuesday at 10 A.M. 3/2/41.

3/4/41

NOTE—Contn. Sheet.

4527

Reference from DC-Bangle in the matter of the order passed in his case 173 of 33-34 on the file of the Albumiab Bangle.

File No.	of 194 .	General and Revenue Secretariat
	Serial No.	

27) Draft and fair of DO letter to PM Bangalore is submitted for approval

6/2/41

DO. letter no. P 4046/ issued to PM Bangalore on 8th Feb 41 — hrs B 10/2

4627/gllo

G. S. Doraswamy Iyer, B.A. B.L.
ADVOCATE & PUBLIC PROSECUTOR,
Bangalore City.

Bangalore,
Dated 9th February, 1941.

Immediate. D.O. No. 43

Dear Mr. Poonegar,

Your letter No. P. 4046 reached me just now. I have to open B.S.C. 2 of 40-41 tomorrow at 11 A.M. I will be grateful if you can make it convenient to see me at 2-30 P.M. on Monday or Tuesday.

28) Approved to see at 2-30 PM on 10/2

Yours sincerely,

G. S. Doraswamy Iyer

To
K. Phiroze Shaw
P. Poonegar, Esqr., B.A., LL.B.,
Assistant Secretary, Law Department,
Bangalore.

31) Draft covering letter to PM to see him at 2-30 PM on 10/2 and return the papers early. 9/2/40

29) Draft + fair typed DO PM Bangle is put up for approval

30) 9/2/41

Hrs B 11/2

P 4168 issued to PM Bangle.

General and R
Secretaria

D.O. No. 44 W39 5476/40

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.
District Office Buildings,

Bangalore, 13/14th February, 1941.

17/2/41

TYPING SECTION
17 MAR. 1941
GEN. & REV. SECTT.

RECEIVED
Law
17. FEB. 1941

Dear Mr. Poonegar,

As arranged personally ~~to-day~~ I will send you a note regarding Mis. No.173 of 33-34 as early as possible in consultation with the Deputy Commissioner, Bangalore.

Yours sincerely,

K. Pheroze Shaw Poonegar, Esqr. B.A. LL.B.,
Assistant Secretary to Government,
General and Revenue Secretariat,
Bangalore.

Letter no. C.5.3756/37-38 dated 12th March 1941 from the D.C. Bangalore District, requesting early orders of Govt in the matter of the coast Course of action to be taken in the case under reference.

32) No promised note from the P.P. Bangalore District has not yet been received.

33) A draft to P.P. Bangalore in the matter is put up for orders.

Issue
3

Recd
15/3

34) Express C-D.C. to take such action as necessary, in consultation with the Pub Prosr

3
15/3/41

NOTE—Contn. Sheet.

4767/5/261

File No.	of 194	General and Revenue Secretariat
	Serial No.	
P. 4704/ issued on 18th March 1941 to P.P.s Bangle		Ins. A

4767 5 5.38

No. 1622

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore, 26th March, *19* 41

SECY. TO GOVT. DEPT. Law 27 MAR 1941 GOVT OF MYSORE FROM

27 MAR. 1941 Law

3
27/3/

G.S.Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The Secretary to Government,
Law Department,
Bangalore.

Sir,

Re:Course of further action to be taken against the order passed by the Second Munsiff in Miscellaneous Case 173 of 33-34 on his file (Lakshmiah -vs- Deputy Commissioner,Bangalore)

Flag Q'

With reference to your letter No.P4704 of 18.3.1941, I have the honour to say that the application has been dismissed on 12.3.1941. A note will however be submitted early.

35
It is for orders if the receipt of the promised note may be awaited.

Law 31/3

Mys. A

Eg 3 31/3/

I have the honour to be,
Sir,
Your most obedient servant,

G S Doraswamy Iyer

Public Prosecutor,
Bangalore.

5653 3/42

No. 1662

Enc.

SECY. LAW DEPT. 2 APR 1941 GOVT OF MYSORE

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

[App. F. III-2

Dated 31-3-1941

3441

FROM

G. S. DORASWAMY IYER, ESQ., B.A., B.L.,
Public Prosecutor,
BANGALORE DIVISION,
BANGALORE CITY.

To

The Law Secretary
Government of Mysore

SIR,

Reference—

Mis 173/33-34 on the file of the Second munsiff Bangalore Hqrs Ref. No. P. 4704 Dt. 18-3-1941.

I have the honour to invite your kind attention to the above and to state that as the Application is now dismissed the matter may be reconsidered in July next, which will be well within one year from the date of the last order.

I have the honour to be,
Sir,
Your most obedient servant,

G S Doraswamy Iyer
Public Prosecutor.

---

36) The P.P. Bangle was reminded to forward to Govt the promised note on the above subject at an early date.

37) The P.P. now states that the matter may be reconsidered in July next.

38) Submitted for orders.

Here is no need to put up matters like this — P.P. may be asked to send in his report without further delay.

La Secretary 3/7/41

Heard 7/4 Now

6953 7/4

NOTE—Contn. Sheet.

39) If the Public Prosecutor is of the opinion

Serial No.

that a suit has to be filed, it may be filed soon after the ~~Re~~ Re-opening of the civil Courts. ~~It~~ It is dangerous to wait till the last day of limitation. Many a time, it so happens that on account of pressure of urgent work, such cases are neglected and valuable rights of filing suits or appeals are lost. The Public Prosecutor may be requested to furnish his opinion early and be ready to file the suit on the re-opening day, if he thinks that a suit has to be filed.

~~D. Hyderabad~~ Hyn 2 9/4/41.

Jubilee 3 9/4/41.

41) Draft to P.P. Bangle submitted for orders.

Jubilee 10/4. Jubilee 3 10/4/41

P. 5131 issued to the P.P. Bangle on 10th April 1941 — Mo A.

Letter no. C.S. 3756/ dated 28th April 1941 from the DC. Bangalore requesting the favour of a very early reply in the matter of the course of action to be taken in regard to the order passed by the 2nd Munsiff Bangle in his case - 173 of 33-34.

Serial No.

42) The promised note from the P. Pr. Bangle, who was also reminded re the matter, has not yet been received.

43) Submitted for orders with a reminder

Revelle 2/5. 44) The P. Pr. may be respectfully reminded re the matter — & he may be asked to send in his report in detail as to the nature of the course he wishes to adopt in the case.

2633/15

Law Secretary. 3/5/41

45) This is an important case in which any false step may cause irreparable loss to the Government and a number of persons. The Deputy Commr. in consultation with the Public Prosecutor should be have to take all necessary action to safeguard the interest of Govt and the purchasers from Govt

Hm 2/5/41.

46) The L. C. may be informed as noted above — but he also wants to hear from us the line of action he has to take. We can give him advice, but to do so, we want the full facts of the case before us, with all the available references. I therefore suggest that the P. P. be asked to send in his detail report re the facts & line of action he wants to take. Reference

NOTE—Contn. Sheet.

5657 to 5659

Serial No.

also may be sent along with the report, & then Govt will be in a proper position to assess. We have already received from D.C. para by para available before us, that the only remedy and open to us & Govt against the order is by filing a Regular suit: But both the D.C & C.P.R are of opinion filing a regular suit — & so, the C.P.R was to be asked to report whether the evidence taken by the D.C & C.P.R.

Law Secretary 3/5/41

Hm 2/5/41.

47) Put up a Draft 3/5/41

48) A draft to the D.C Bangle in the matter is put up for approval. 3/5/41

6/5

P. 5656 issued on 8th May 1941 to the D.C. Bangle and copy of it P. 5657 sent to P.P.M Bangle

Jus. B till 15th May 1941

Letter ... Letter no. H/20 dated 7th May 1941 from the P.W.M Bangalore stating that resumption proceedings will have to be at once given effect to & the details of the proceeding being sent separately.

49) The letter of the P.W.M is submitted for orders.

20/5

50) The D.C may be intimated by Law Secretary 3/5/41

51) Another letter by P.P received today may also be put up. Hm 3/5/41 20/5

6628 ∫ 6659 ∫ 6759

Course of further action to be taken in regard to the Order passed by the II Munsiff in his Case 173 of 34-35.

General and Revenue Secretariat | File No. of 194 | [App. F. III-2

Serial No.	
	Letter no. 1839-40 dated 19th Mar 1941 from the P.M. Bangle forwarding the promised notes
	50) The letter of the P.M. Bangle referred to in para 50 supra is also herewith put up and submitted for orders. 51) The D.C. of Bangalore may be addressed to start necessary proceedings immediately. A copy of the note sent by the P.M. may be sent to the D.C. for such action as he deems fit:
	Law Secretary 3 21/5/41
	Hm 21/5/41.
	3 21/5/41
	52) A draft to D.C. Bangalore is submitted for approval. Sd 3 21/5/41
	P. 5949 issued on 23rd May 1941 to the D.C. Bangalore
	Letter no. C. 5. 3756/37-38 dated 22nd May 1941 from the D.C. Bangalore in the matter of the further action to be taken against the order passed by the II Munsiff, Bangalore.
	53) The D.C. Bangalore states that he is of opinion that under the circumstances the better course would be to file a suit for the cancellation of the order in question, than the one suggested by the P.M. in his note and solicits further instructions in the matter
	54) Submitted for orders.

NOTE—Contn. Sheet.

6759

Course of further action to be taken against the Order of the Muncipal Board in Mrs 173/34-36

File No. of 194 . | General and Revenue Secretariat

Serial No.

55) Mr. Patwardhan states that the D.C. was thinks that the best course of action would be taken now in the matter is to file a regular suit to set aside the order passed by the 2nd Munsiff. When we suggested to him that a suit may be filed, & that it was the only remedy open to us to get the order of the 2nd Munsiff set aside, he replied to us, after consulting the P.P., that it is not advisable to file a regular suit, as it would complicate matters.

56) Both the P.P. & the D.C. are aware of the full facts of the case, & they should take such action as they think fit in the case.

57) However, my opinion is that the only way to set-aside the order of the 2nd Munsiff is by filing a regular suit — & the course is to be taken, that the suit should be filed before 17.7.41 — otherwise it will be time barred.

Law Secretary) 27/5/41

58) The Advocate General may be seen. The appointment of the Govt Pleader may be awaited and the file may be re-submitted.

Hm
28/5/41.

D.O. / 7139

course of further action to be taken in regard to the order passed by the II Munsiff in this case. 173 of 33-34

Serial No.

59) Mr S.K. Venkatrimanam Iyer deceased vide our file of this case on the Res Side. It is necessary to get a certified copy of this case No 173/33-34 on the file of the 2nd Munsiff of Bangalore, passed on 14.9.35. The D.C may be requested to get that copy & send it to us to enable us to file all the necessary records, for perusal & necessary orders.

60) Put up a despatcher to the D.C.

3
28/5/41

61) A draft to the D.C. Bangalore is put up for approval

Recd 28/5.

3
28/5/41

P. 6048 issued to the Dc. Bangalore on 28th May 1941 calling for the connected records for reference

for B.
till 3/6

Reply

Letter No. C. 5. 3756/37-38 dated 7th June 1941 from the Dc. Bangalore forwarding the copy of order and the connected records in the above case.

62) The records received with the DC's letter dated 7th June 1941 (P.W.D II) are herewith put up and orders are solicited in regard to the course of further to be taken in the matter under reference.

Recd 12/6.

63) The D.C. may be requested to place the full records in the hands of the Govt pleader, & take such action as advised by him.

9/6/41
30/6

NOTE—Contn. Sheet.

Law Secretary

3
30/6/41

64) Early action may be taken as limitation for a suit expires on 18-7-41.

Hm
11/7/41

T139 S387

Course of further action to be taken against the

File No. of 194 . | General and Revenue Secretariat

Serial No.

(5) A draft of a letter to the Dc. Bangalore, on instructions received is herewith put up for approval.

Hewitt P 8 issued to Dc Bangle on 1/7/41 & P 9 issued to Govt pleader Bangle on the same day. 1/7

I sent for Mr B Vasudeva

(6) recently body — & I dictated to him & instructed him to study the legal aspect of the case placed before him & to take immediate steps to safeguard the rights of Govt. The D.C. has also been informed to give necessary instructions & records in the matter, to Mr B. Vasudeva recently.

for perusal.

Law Secretary 3 1/7/41

Hm 2 1/7/41

3 2/7/41

see concerned notes of the DC's office below 1) his D 2837/35/06

2) D. Dis 3448/31-32

3) Certified copy of order and 4) Secretariat file Law 71-37 Sls 1-15 have been taken by me to-day in person

B Vasudevamurthy Govt pleader Bangle

Hewitt 21/7

Jus B. till 14/7

Letter no. 204 dated 21st July 1941 from the Govt Pleader Bangalore forwarding his detailed report together with the records in the above case.

(7) The Govt pleader Bangalore states that for reasons set out in his notes there is no need for the Government to file any suit at present.

(8) The file is submitted for orders with reference to the letter of the Dc. Bangalore dated 22nd May 1941 seeking instructions in regard to the course of further action to be taken in the matter under reference.

course of further action to be taken in regard to the order passed by the II Munsiff in this case 173/34-35

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

69) The Note of the Govt Pleader on the course of action to be taken in this case may be submitted to the Deputy Commr for approval

S. G. 7 3
22/7/41

Hm
2
23/7/41

Submitted
3
23/7/41

70) A draft to the Dc. Bangalore is put up for approval

Jm
3
23/7/41

Done
23/7

Noted

P. 374 / dated 25th July 1941 issued to Dc. Bangalore forwarding the note of the Govt Pleader together with the records for necessary action.

Submitted

71) The file will now be sent to the Revenue Branch for perusal of the orders in this letter and taking back their file (diary no. R. 6006) herewith linked.

Done
28/7

72) Perusal of the Note of the Govt Pleader - the ordinary papers relating to Revenue Branch may please be taken back.

Noted Seen
Rec'd
Hpc
3
29/7

Submitted for perusal before returning the Govt Papers

Govt Pap
Hpc
30/7

30/7

may be submitted to Hon'ble Minister

NOTE—Contn.-Sheet.

SECY. L. 584
22 JULY 1941
GOVT OF MYSORE

REVENUE SECTT.
29 JULY 1941

R 6006

File No. of 194 | General and Revenue Secretariat

Serial No.

DEWAN'S OFFICE
No. 1117
5320/R

73) Said report is invited to the petition in the enclosed submitted to the First Member of Council on 26.5.41. The matter has been examined carefully in consultation with the Govt Pleader Mr. G. Varadarajan Murthi with reference to the various proceedings in Civil Courts and a Memo. The latter has furnished a note indicating the line of action to be adopted by the Govt & the Magistracy. The Govt Pleader considers that as Govt have proposed the P.Nos under the C.P. Code, there is no need for them to file any declaratory suits & that they can successfully resist such trespasses under the Code. As regards persons to whom sites have been confirmed subsequent to resumption, he suggests that they may apprise delivery of possession & that Govt help to the end each person may be determined.

74) A copy of the note has been sent to the D.C. for necessary action

Sd
8.8.41

(Illegible)
Fin & Rev
Minister

MK
8.8.41

CHIEF SECRETARY
8 AUG. 1941
GOVT. OF MYSORE.

9/8/41

MK
9.8.41

P387 941

General and Revenue Secretariat	File No. ~~of 194~~ . P	[App. F. III-2

Serial No.

The file of papers relating to the Revs Br is taken back & the file of the Prot. Br is returned

Dms
11/8/41

Submitted for perusal of paras 73 & 74 supra and for orders if the file may be closed.

As the G.C. has been withdrawn & steps need not be taken to have another employed or closed.

Initialled
13/8/41

Hm
2
14/8/41

B 14/8/41

GOVT OF MYSORE

B

NOTE—Contn. Sheet.

3634 P 40

In all future communications please quote
No.....C5-3576/37-38.
Enc. One file.

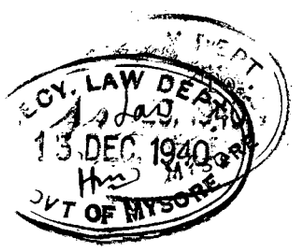
Tel Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the ....11th...Decr... *194* 0.

FROM

Abdul Aziz Khan, Esq., B.A.,
Deputy Commissioner,
Bangalore District.



H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary
to the Government of Mysore.
Law Department, Bangalore.

SIR,

Subject:—

In inviting kind reference to correspondence ending with your letter No.P. 2789 dated 27-11-1940 regarding the further action to be taken against the order passed by the Second Munsiff, Bangalore, in Mis. Case No. 173/33-34 (Lakshmiah Setti Vs. Deputy Commissioner, Bangalore), I have the honour to state that the Public Prosecutor, Bangalore Division, to whom a copy of your letter was sent for suggesting the action of to be taken, has replied that his views in the matter may not be appropriate or proper or authoritative in view of Rule 56 of the Rules for the conduct of Legal Affairs of Government and that a revision may be filed by the Government Advocate.

2. In the circumstances, I request that orders of Government may kindly be obtained to have a Civil Revision Petition filed in the High Court by the Government Advocate.

The file of connected records is enclosed herewith for favour of reference and return.

I have the honour to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Bangalore District.

gvm/-

Flag-A in Lawfile 7-37 Linewith prob

A note on the facts of the case as can be gathered from the letter of the Deputy Commissioner, Bangalore District, dated 2nd October 1939, and the available records.

The land in question S.No. 69 of Kathumaranahalli village, Bangalore Taluk, was unauthorisedly utlised for non-agricultural purposes and was ordered to be resumed to Government under Sec. 64 of the Land Revenue Code.

Subsequently it was brought to the notice of the Deputy Commissioner, Bangalore District that the land was sold in court auction in the Second Munsiff's Court in O.S. No. 268/1919-20 - Execution case No.173/33-34, that it had been purchased by one M.K. Lakshmaiya Setty and that he had obtained a warrant for the delivery of the same.

At this stage a letter dated 1st Septr. 1938 was addressed by the Deputy Commissioner Bangalore District to the Second Munsiff intimating the facts of the case and stating that it is doubtful whether a civil court can pass a decree and execute it in respect of property which vests in the Government. The Munsiff dismissed the case.

The aggrieved party took up the case finally to the High Court in C.R.P. No.406/38-39 (M.K.Lakshmaiya Shetty vs. Deputy Commissioner, Bangalore).

The petition in the High Court was allowed with an observation that the court could not take cognizance of objections through a D.O. letter and that a formal objection statement should have been presented by the Deputy Commissioner in the case.

In the meantime M.K. Lakshmaiya Setty

seems to have presented a petition for removal of obstruction and for delivery of possession before the second Munsiff, Bangalore in Mis. Case No. 173/33-34. Objections have been filed in this case on behalf of the Deputy Commissioner, Bangalore District through the Public Prosecutor, Bangalore.

The objections filed have not been taken notice of by the Court on the ground that their is no provision of law by which the rights of a Third party may be taken notice of at this last stage in the case and delivery of the properties after the removal of obstructions has been ordered by the Judge on 18th July 1940.

It is this order of the Munsiff that the Deputy Commissioner wants to take up in revision to the High Court. Since the order in question has been passed on 18th July 1940 the right of revision has become time-barred.

The only remedy now open to the Deputy Commissioner, Bangalore seems to be to file an original suit under order 21 Rule 103 of the Code of Civil Procedure.

Hm
2
26/12/40

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 8th January 1941.

No. P-3495/Law

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

Law Department.

To

The Deputy Commissioner,
Bangalore District.

Subject:- Filing of revision petition to the High Court against the order passed in Mis. Case No.173 of 33-34 on the file of the Second Munsiff, Bangalore, (Lakshmaiya Chetty vs. Deputy Commissioner, Bangalore District.)

Sir,

With reference to your letter No.C.5-3756/37-38, dated 11th December 1940 on the above subject, I am directed to state that the Public Prosecutor, Bangalore District may be consulted and suitable action taken to ensure that the orders passed for the resumption of the land (on the Revenue side) are carried into effect.

The file of records received with your letter under reply is herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government
Law Department.

4257/40

No. 1195

Enc.

Immediate

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Dated 17.1. 1941.

FROM

G. S. DORASWAMY IYER, ESQ., B.A., B.L.,
Public Prosecutor,
BANGALORE DIVISION,
BANGALORE CITY.

SECY. LAW DEPT. 17 JAN. 1941 GOVT OF MYSORE

LEGISLATIVE & REV. SECTION Law 20 JAN. 1941

To

The Law Secretary
The Government of Mysore
Bangalore

SIR,

Reference— Mis 173/33-34

Lakshmiah Setty vs The Deputy Commissioner Bangalore

I have the honour to invite your kind attention to the above and to state that in this case as there are conflicting orders (Judicial & Revenue) and as there is an awkward situation, I have requested the learned Deputy Commissioner to move the High Court after the case is posted to 29.1.41

I have the honour to be,
Sir,
Your most obedient servant,

G. S. Doraswamy Iyer
Public Prosecutor

4260 840

In all future communications please quote
No...C.5-3756/37-38
Dnc.

Tel Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the 17th Jany., *1941*.

FROM

Abdul Aziz Khan, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary
to the Government of Mysore.
Law Department, Bangalore.

SIR,

Subject:—

Adverting to correspondence ending with your letter No.P. 3495/Law Dated 8-1-1941, regarding the question of further action to be taken against the order passed in Mis. Case 173/33-34 on the File of the II Munsiff, Bangalore, (Lakshmiah Setty Vs. Deputy Commissioner, Bangalore) I have the honour to state that the Public Prosecutor who was consulted in the matter has replied that the resumption order in regard to the land (On the Revenue side) may be given effect to and that a revision application may be filed against the order of the II Munsiff, so as to avoid a conflict of jurisdiction and orders.

2. He also writes in his letter No.1193 dated 17-1-1941 that the case is posted to 29-1-1941 and that he was asked by the II Munsiff to request me to move the High Court and have the matter settled before that date.

3. In the circumstances, I request that orders of Government may kindly be obtained very early to have a Civil Revision Petition filed before the High Court of Mysore against the order of the II Munsiff referred to above, by the Government Advocate in Mysore, Bangalore.

4. The file of connected records is enclosed herewith for favour

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. P 8739 Rec. Records

Dated, Bangalore, 20th January 1941.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Deputy Commissioner,
Bangalore District.

Subject:- Filing of Revision Petition against the order passed in Mis.Case 173 of 1933-34 on the file of the Second Munsiff, Bangalore.

Sir,

With reference to your letter No.C.5.3756 dated 17th January 1941 on the above subject, I am directed to state that the filing of a revision petition is not the proper remedy in the present case, since the order in question was passed nearly 6 months ago and is barred by limitation. Perhaps the proper remedy would be the filing of an original suit for the cancellation of the order in question.

This fact may be intimated to the Public Prosecutor, Bangalore District and necessary legal action may be taken immediately.

The file of papers received with your letter under reply is herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

20/1/41

Secretary to Government,
Law Department.

Office of the Deputy Commissioner,
Bangalore District,
Dated, Bangalore, 31st Jany. 1941.

No: C5-3756/37-38.
Enc: one.

4539

From

Abdul Aziz Khan, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, Bangalore.

Sir,

With reference to correspondence ending with your letter No.P.3739 -- -- dated 20th January 1941, re: the question of filing a revision petition against -- the order passed in Mis. Case No.173/33-34 on the file of the Second Munsiff, Bangalore, (Lakshmiah Setty Versus. Deputy Commissioner, Bangalore), I have the honour to state that the Public Prosecutor, Bangalore Division, who was requested to take necessary action as suggested by you, has replied that if a suit is filed in the matter, it will lead to endless complications, as it amounts to an admission on the part of - Government that the lands were not properly resumed. He suggests that itwould be better for Government to await any action that may be taken by the other parties and to defend Government when the parties go to a Court instead of becoming plaintiffs in an action. The argument of the Public Prosecutor seems to be reasonable.

2. In the circumstances, I solicit further instructions as to the exact - course of legal action that could be taken in the matter.

3. A copy of the Public Prosecutor's letter No.1256 dated 29th January 1941, is enclosed herewith for favour of reference.

I have the honour to be,
Sir,
Your most obedient servant,

A.A.Khan

Deputy Commissioner,
Bangalore District.

KRG.

Letter No.1256 dated 29th January 1941, from the Public Prosecutor, Bangalore District, to the Deputy Commissioner, Bangalore District.

Re: Mis. 173 of 33-34 on the file of the Second Munsiff, Bangalore.

I have the honour to acknowledge receipt of your letter No.C5-3756/37-38 and to respectfully submit the following facts for favour of your consideration.

In this case an order of resumption has been passed by the learned Revenue Commissioner who has confirmed the order passed by the Deputy Commissioner. Several attempts were made to have the order vacated but all of them proved futile. A civil suit was filed in O.S.8 of 36-37 on the file of the Additional District Judge, Bangalore and the suit was dismissed as against us on 14-11-38. The copy of the order is in the file. The matter came up in the Munsiff's Court and the facts relating to it are all clearly set forth in the order of the learned High Court Judge in C.R.P.405/38-39 (Flag B). The last order of the learned Munsiff and of the Additional Sub Judge are also in the file. If as suggested, a suit is filed, it will lead to endless complications as we will be practically admitting that the lands have not been properly resumed. It is submitted that the Resumption order is a valid one and that to seek to reopen the matter will be probably seeking for trouble. If I may venture to say so, I suggest that we await any action by the other parties and that they may go to Court if need be and that we defend the action. This will be better than our becoming plaintiffs in an action. I have in the meanwhile requested the counsel for the other side to approach you and offer terms for payment of fine or otherwise and get any concession he may want. The records are submitted for reconsideration and return.

(Copy)

Deputy Commissioner,
Bangalore District.

KRG.
31.1.41.

No P. Council

6. February 1941.

Dear Mr. Doraiswamy Iyer,

May I request you to see me in my office at about 11 A.M. on Monday the 10th instant in the matter of the further action to be taken in regard to the order passed by the Second Munsiff Bangalore in Mis. Case No. 173/33-34 on his file (Lakshmiah Setty vs. Deputy Commissioner, Bangalore)

Yours sincerely,

G.S. Doraiswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore District.

Home-P 4168

10th February 1941.

Dear Mr. Doraswamy Iyer,

As suggested in your D.O. No. 43 dated 9th February 1941, you may please meet me in my office at 2.30 P.M. on Tuesday the 11th instant.

Yours sincerely,

M

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore District.

5261/P 9/40

Immediate.

No.Cb-3756/37-38.

Office of the Deputy Commissioner,
Bangalore District,
Dated, Bangalore, 12th March 1941.

From

ABDUL AZIZ KHAN, ESQ., B.A.,
Deputy Commissioner,
Bangalore District.

To

H.V. NARAYANA RAO, ESQ., B.A., LL.B.,
Secretary to Government,
Law Department,
Bangalore.

S i r,

In inviting kind reference to this office letter of even number dated 1-2-1941 soliciting instructions re. the further action to be taken in regard to the order passed in Misc. Case No.173/33-34 on the file of the Second Munsiff, Bangalore (Lakshmiah Vs. Deputy Commissioner, Bangalore), I have the honour to state that the Superintendent of Police, Bangalore City, reports in his No.G.C.416/40-41 dated 8-3-1941 that the Second Munsiff has solicited help from the Police to give effect to his order in the case mentioned above, and solicits further orders in the matter.

2. Since the proprietory right of the land in question vests with Government, the order of the Second Munsiff is ultra-vires as already explained in this office letter dated 15-11-1940, and very early orders are solicited as to the exact course of legal action to be taken in the matter.

I have the honour to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Bangalore District.

gvm/-

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19*

Date of issue 18/3/41

Signed by Mr. K.P.P.

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P4904/Sec1.

To Mr P.P.x Bangalore District.

Subject:- Course of further action to be taken against the order passed by the II Munsiff in this case. 173/3334 on his file (Lakshmaiah vs DC. Bangalore)

Sir,

I am directed to invite reference to your D.O. letter no. 44 dated 13th February 1941 on the above subject and to request that the promised note may kindly be forwarded to Govt at an early date.

A copy of letter no. C.5-3756/3220 dated 12th March 1941 from the DC.

Typing Section

Please make a copy of P.W.D. II

Bangalore District received in this connection is herewith sent for information & suitable action.

The matter may kindly be treated as urgent and the promised note forwarded to Govt. immediately.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 10th April 1941.

No. P. 5731/Law

From

The ~~General~~ Secretary to the Government of His Highness the Maharaja of Mysore.

Law Department.

To

The Public Prosecutor,
Bangalore District.

Subject:- Further action to be taken against the order passed by the Second Munsiff in Mis.Case 173/33-34 on his file (Lakshmiah vs. Deputy Commissioner, Bangalore).

Sir,

With reference to your letter No. 1662, dated 31st March 1941 on the above subject, I am directed to request you to furnish your opinion in the matter at an early date as delay on such questions may complicate matters.

An early reply is requested.

I have the honor to be,
Sir,
Your most obedient servant,

By

For Secretary to Government,
Law Department.

Appendix F G—1]

SUBJECT ..... Urgent .....

.....

.....

Section Law

File No.

Serial No.

Diary No. of letter replied to.....

No.

To

The Public Prosecutor.

Bangalore District.

General and Revenue Secretariat

( )

the *19* .

Date of issue.....

Subject :- ~~bonus of~~ further action to be taken against the order passed by the II Munsiff in this case. 173/33-34 on his file (Lakshmiah ~~vs~~ DC - Bangalore)

Signed by .....

Sir

With reference to your letter No. 1662/ dated 31st March 1941 on the above subject, I am directed to request you to furnish your opinion in the matter at an early date ~~and to be ready to file the suit on the re-opening day~~, if you consider necessary to file

List of enclosures.....

Copied by ..... Cashier .....

~~& delay in such matters may Complicate matters. be Tabulated~~

Examined by .....

Any early reply is

Recorded.

3

~~inconvenience~~

~~do it for obtaining the required satisfy~~

~~a matter may kindly be~~

~~treated as urgent~~

I have et

Dr Secretary Govt Law Deptt

6188 Rev

In all future communications please quote
No. C5-3756/37-38.
Enc.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the 28th April 1941.

SECY. LAW DEPT. * 30 APR 1941 * GOVT OF MYSORE

FROM Abdul Aziz Khan, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

30/4/41

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary,
to the Government of Mysore.
Law Department, Bangalore.

SIR,

Subject :—

P W D I

In inviting kind reference to this office letter of even number dated 1-2-41 soliciting instructions as to the exact course of legal action to be taken in regard to the question of filing a Revision petition against the order passed in Misc. Case No. 173/33-34 on the file of the Second Munsiff, Bangalore, (Lakshmiah Setti Vs. the Deputy Commissioner, Bangalore) I have the honour to request the favour of a very early reply in the matter.

I have the honour tobe,
S i r,
Your most obedient servant,

T.S. Suryanarayana

For Deputy Commissioner,
Bangalore District.
(Absent from Station).

gvm/-

C.C.-8796/37-38

28th April 1943.

Abdul Aziz Khan, Esq., B.A.,

R.L. Narayana Rao, Esq., B.A., B.L.,

Law Department, Bangalore.

Sir(s),

In inviting kind reference to this office letter of even number dated 1-2-43 soliciting instructions as to the exact course of legal action to be taken in regard to the question of filing a Revision petition against the order passed in Misc. Case No. 173/ 39-34 on the file of the second Munsiff, Bangalore, (Assumnial Setti Vs. the Deputy Commissioner, Bangalore) I have the honour to request the favour of a very early reply in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Bangalore District.
(Absent from station).

Enc/-

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19*

Date of issue 8/5/41

Signed by Mr. K.P.P

List of enclosures.....

Copied by .....

Examined by .....

Section

File No.

Serial No

No. P5656

To

The Deputy Commr

Bangalore District.

Subject:- Course of further action to be taken against the order passed by the Tribunal in his case no. 173/33-34 on his file (Lakshmaiah Vs DC. Bangalore).

Sir,

With reference to the correspondence ending with your letter no. C.5-375/37-38 dated 28th April 1941 on the above subject, I am directed to state that a detailed note in the matter had been called for from the Public Prosecutor Bangalore District, in the

matter of the line of action proposed to be taken by him, and the same has not yet been received.

As already intimated to you in this Office letter no. P 3739 dated 20th Jany/41 Flag W the only remedy now available seems to be the filing of an original suit for the cancellation of the order in question.

The public prosecutor may therefore be put in possession of all the relevant records in order to enable him to prepare the note called for from him at an early date.

Since this is an important case in which any false step taken may cause irreparable loss to the Govt and the purchasers from Govt, I am to request you to take all necessary action to safeguard the interests of the concerned persons in this case in consultation with the P.P. Bangle, & a report sent by post, or after action in the Cross case & for which I have etc.

½

No. P 5657 dt 8-5-41. To Secy to Govt Law Dept

Copy of the above is forwarded to

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

the public prosecutor Bangalore District in continuation of this office letter no P 5131 dated 10th April 1941, with a request that the promised note may be submitted to Govt together with all the connected relevant records at an early date.

By order.

Sd/-

for Secy to Govt Karnataka

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No. P 5656 Law

Dated, Bangalore, 8th May 1941.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Deputy Commissioner,
Bangalore District.

Subject:- Course of further action to be taken against the order passed by the II Munsiff in Mis.Case No.173/33-34 on his file (Lakshmiah Vs. Deputy Commissioner, Bangalore).

Sir,

With reference to the correspondence ending with your letter No.C5-3756/37-38 dated 28th April 1941 on the above subject, I am directed to state that a detailed note in the matter had been called for from the Public Prosecutor, Bangalore District, regarding line of action proposed to be taken by him and the same has not yet been received.

As already intimated to you in this office letter No.P.3739 dated 20th January 1941 the only remedy now available seems to be to file an original suit for the cancellation of the order in question.

The Public Prosecutor may therefore be put in possession of all the relevant records in order to enable him to prepare the note called for from him.

Since this is an important case in which any false step taken may cause irreparable loss to the Government and the purchasers from Government, I am to request you to take all necessary action to safeguard the interests of the concerned persons in this case in consultation with the Public Prosecutor, Bangalore and a report sent for consideration of Government.

I have the honour to be,
Sir,
Your most obedient servant

Sd. H.V. Narayana Rao,
Secretary to Governmer
Law Department.

HKR/3.

P.T.O.

Memo No: 5659 8-5-41

Copy of the above is forwarded with compliments to the Public Prosecutor, Bangalore District, in continuation of this office letter No.P.5131 dated 10th April 1941, with a request that the promised note may be submitted to Government together with all the connected relevant records, at an early date.

By Order,

Secretary to Government,
Law Department.

G. S. Doraswamy Iyer, B.A., B.L.
ADVOCATE & PUBLIC PROSECUTOR,
Bangalore City.

6638/40
P

Office of the Public Prosecutor,
District Office Buildings,
Bangalore, dated - 7th May, 1941.

20.

SECY. LAW DEPT.
19 MAY 1941
GOVT OF MYSORE

19/5/41

To

The Secretary to Government,
Law Department,
BANGALORE.

Sir,

Law 5653
Req-R'

In reply to your letter No.P.5131/Law dated 10.4.1941 I have the honour to state that resumption proceedings will have to be at once given effect to. The details of the proceedings are being sent separately.

I have the honour to be,
Sir,
Your most obedient servant,

for Public Prosecutor,
Bangalore.

No. 1839-40
Enc. one note

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

Bangalore City, 19th May *194*1.

SECY. LAW DEPT. 20 MAY 1941 GOVT OF MYSORE

3 W 1/41

0659 P 40

FROM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,
PUBLIC PROSECUTOR, BANGALORE DIVISION,
BANGALORE CITY.

To

The Law Secretary
to the Government of Mysore,
Bangalore.

SIR,

Re: Course of further action to be taken against the order passed by the II Munsiff in Mis. Case No. 173 of 33-34 on his file (Lakshmiah Setty Vs. Deputy Commissioner, Bangalore)

With reference to your Memo No.5657 of 8-5-1941, I have the honour to forward herewith a note in respect of the above as requested in your letter under reference. No records of the case are available in this office.

I have the honour to be,
Sir,
Your most obedient Servant,

For Public Prosecutor,
Bangalore.

I M M E D I A T E.

Note.

One Mr. C. Ramachandra Rao was the owner of S.No.67 Kethamaranahalli, Bangalore Taluk, situated to the North - West of the Bangalore City Railway Station measuring 28 acres 7 guntas (24 -7 dry and 3-20 wet) and assessed at Rs 29/-. This has been the subject of litigation for a long time. Under the terms of a compromise decree, one Mr. M.K. Lakshmiah setty proceeded in execution against the land and claimed a charge in his favour. He purchased the property himself and applied for delivery of possession of the land. In the meantime the owner unauthorisedly divided the land into sites and sold them to various persons.

When this was known to the authorities the Deputy Commissioner, Bangalore by his order dated 10/2/34 directed the resumption of the land as agricultural land was wrongly converted for non -agricultural purposes. He also directed that such of the person who had un - knowingly purchased sites may be recognised as owners and title deeds granted to them if they should pay the special fine at a rate fixed by him. A few of the owners have conformed to this requirement and have been granted title deeds. This was done in order to equitably deal with the matter.

The purchaser Lakshmiah setty appealed against the order of resumption passed by the Deputy Commissioner and in appeal No.71 of 34-35 the Revenue Commissioner confirmed the order of resumption.

Lakshmiah setty is bound by the terms of the order in his appeal and is not entitled to ignore it by taking recourse to proceedings in the Civil Court.

The matter again came up in O.S.No. 8 of 36-37 on the file of the Additional District Judge, Bangalore, where - Lakshmiah setty was the first defendant and the Deputy Commissioner, Bangalore, was the 8th defendant and the suit against the Deputy Commissioner was dismissed. Copy of the order has been submitted in Mis. case No.173 of 33-4 on the file of the Second Munsiff, Bangalore, an application was filed by Lakshmiah setty complaining about some - obstruction to his taking over delivery of the property. The Court xx enquired into the matter and directed - delivery by removal of obstruction. Fresh warrants are being issued for the purpose and Police help is requested to forcibly eject the persons named in the petition.

I am informed that there are nearly 300 persons living on the land there is no order as against them. When the Deputy Commissioner, Bangalore, was informed of the - possibility of a breach of the peace if an attempt be made to take over possession of land resumed to Government and granted to several persons by Government, he addressed the Second Munsiff, Bangalore in the matter. The then Munsiff took judicial notice of this matter and refused the issue of a warrant. The petitioner Lakshmiah filed an appeal and being unsuccessful filed a Civil Revision petition in the High Court of Mysore. The High Court by their order in C.R.P. 405 of 38-39 remanded the case for disposal according to law and observed that the Court was not correct in acting upon a mere letter. After the records came back to the Court of the Second Munsiff he directed the issue of Court notices to the Deputy Commissioner and referred to the order of the High Court and informing him of the next date of hearing. An application was thereon filed in Court setting out the case of the Government. The Court later by its order dated 18-7-1940 held that since there was no provision of law under which the claim of Government could be taken notice of nothing could be done and ordered issue of a fresh warrant.

One C.V. Subramanya Iyer who has paid the special fine and in whose favour a title deed has been granted by the Amildar, Bangalore taluk has been ejected from his property with Police help - he has built a house on the site and he has approached the authorities for redress. When Police help was brought for to dispossess the others, the Munsiff addressed the District Superintendent of Police, Bangalore City in the matter.

In the meanwhile Lakshmiah setty finding that he had no case against the Deputy Commissioner has allowed the petitioner to be dismissed.

So far as the claims of the Government are concerned, the Civil Court has not taken notice of them. The order dated 18-7-1940 cannot amount to an order against Government and may not operate as a bar to an adjudication on merits at the proper occasion. If and when the Purchaser Lakshmiah Setty restarts proceedings and actually attempts to take possession the Court will have to be appraised of the claims of Government and delivery will have to be obstructed. Lakshmiyasetty may then file a petition for removal of the obstruction and then Government will have to defend the case.

Since Lakshmiah setty has now given up further proceedings, the only thing necessary and essential to be done is to perfect the title and possession of Government. The order of resumption will have to be given full effect to and possession of the entire land taken over by Government at once on the Revenue side.

The occupants may have to give up possession or obtain title deeds after payment of the special fine in terms of the earlier order of 1934.

This appears to the best course to be taken. I may be permitted to suggest that the Revenue Authorities be directed to give effect to the resumption order at once.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Immediate

No. P5969 Sec/

Dated, Bangalore, 23rd **May 1941.**

From

The Secretary to the Government of His Highness
the Maharaja of Mysore,
Law Department.

To

The Deputy Commissioner,
Bangalore District.

Sir,

SUBJECT: Course of further action to be taken in regard to the order passed by the II Munsiff Bangalore in Mis.Case No.173 of 34-35.

In continuation of this office letter No.P.5656 dated 8th May 1941, on the above subject, I am directed to forward herewith a copy of note received from the Public Prosecutor, Bangalore, along with his letter No.1839-40 dated 19th May 1941 for such action as you deem fit to take in the matter of resuming the land in question.

I have the honour to be,

Sir,.

Your most obedient servant,

Secretary to Government,
Law Department.

HKR.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19* .

Date of issue 23.5.41

Signed by Asst. K.P.P

List of enclosures Flag 'L'

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P 5969/Sec 1

To

The Deputy Commr

Bangalore District.

Subject:- Course of further action to be taken in regard to the order passed by the II Munsiff Bangalore in his case no. 173 of 31-35.

Sir,

In continuation of this office letter no. P 5656 dated 8th May 1941 on the above subject, I am directed to forward herewith a copy of note received from the P.W.D. Bangalore along with his letter no. 1839.40 dated 19th May 41 ~~for necessary action & to add that in this connection for such action as in consultation with the P.W.D. the is deemed fit under the circumstances.~~

for such action as Govt deem fit to take in the matter & necessary Govt Order.

3/21/5/41.

WD 086—GPB—40,000—30-7-40

~~I am also to request you to start~~ resumption

~~proceedings immediately~~ ~~thereafter~~ ~~to take place~~

~~I have the~~

W. Secy to Govt - Law Dept

6757/40

In all future communications please quote
No .....C5-3756/37-38.
Enc.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the ....22nd May..... *194* 1.

LEGY. LAW DEPT.
HIGH COURT OF MYSORE

FROM

S. Muninanjappa, Esq., B.A., B.L.,
Deputy Commissioner, In-Charge,
Bangalore District.

To

H. V. Narayana Rao, Esq., B.A., LL.B.,
Secretary
to the Government of Mysore.,
Law Department, Bangalore.

SIR,

Subject:—

With reference to correspondence ending with your letter No.P. 5656-Law dated 8th May 1941, re: the course of further action to be taken against the order passed by the Second Munsiff in Mis. Case No.173/33-34 on his file (Lakshmiah Setti Vs. Deputy Commissioner, Bangalore), I have the honour to state that all the connected records were sent to the Public Prosecutor, Bangalore Division, on 17-5-1941 for furnishing the note referred to in your letter mentioned above, as to the best method of safe-guarding the interests of Government and of the purchasers from Government of the sites in question. The Public Prosecutor has forwarded a copy of his note dated 19-5-1941 sent to you in the matter. He opines that the order of the Second Munsiff dated 10-7-1940 cannot amount to an order against Government, that it may not operate as a bar to an adjudication on merits at the proper occasion, and that it would suffice if the Court are informed of the claims of Government if and when the purchaser Lakshmiah Setti re-starts proceedings and attempts to take possession of the land. He further says that the order of resumption will have to be given full effect to and that possession of the entire land taken over by Government at once on the revenue side.

2. In this connection, I wish to invite kind reference to the fact that the possession of the land has been taken over by the Revenue Department, and that title deeds have been issued to the parties having the best rights to the sites in question after recovery of upset price and special fine thereon. The only point that deters the peaceful possession and enjoyment of the land by the parties to whom the sites have been sold (by Government) is the order of the Second Munsiff dated 18-7-1940. Until the order of the Second Munsiff

is

is cancelled, there is no scope for the purchasers of the sites to enjoy the possession of the same, since Lakshmiah Setti would be requesting for Police help and would try to take possession of the sites in accordance with the orders of the Second Munsiff, though the proprietory right to the site vests in Government and in those to whom title deeds have been issued by the Revenue Officers.

3. In the circumstances, I am of opinion that filing of an original suit for the cancellation of the order in question (as mentioned in your letter No.3739 dated 20-1-1939) would be the better course of action than the one suggested by the Public Prosecutor.

4. I solicit further instructions as to the exact course of legal action to be taken in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

B.S. Sangameshwara

for Deputy Commissioner,
Bangalore District.

KRG.3.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P6048 Law

Bangalore, Dated, 28th **May 1941.**

From

The Secretary to the Government of His Highness
the Maharaja of Mysore,
Law Department.

To

The Deputy Commissioner,
Bangalore District.

Sir,

Subject:- Course of further action to be taken against the order passed by the II Munsif Bangalore, in M.s.Case 173/33-34 on his file.

With reference to your letter No.C.5. 3756/37-38 dated 22nd May 1941 on the above subject, I am directed to request you to forward a certified copy of the order passed by the II Munsiff, Bangalore in the abovenoted case on the 14th of September 1935 together with all the connected records at an early date for reference.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department.

HKR/2.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19* .

Date of issue 28/5/41

Signed by Mr. K.P.P.

List of enclosures.....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P6068

To The Deputy Commissioner

Bangalore District

Subject:- Course of further action to be taken against the order passed by the Tribunal Bangalore in misc case. 173/33-34 on his file

Sir,

With reference to your letter No. C. 5. 3756/37-38 dated 22nd May 1941 on the above subject, I am directed to ~~state~~ request you to forward a certified copy of the order passed by the Tribunal Bangalore in the above noted case on the 14th of September 1935 together with all the connected records at an early

date; ~~as they are bound the necessary~~

~~for passing final orders in the matter~~
for
~~under~~ reference.

I have &c.

H

W Secy to Govt Law Dept.

In all future communications please quote
No. C5-3756/37-38.
Enc. Two files & one copy of order.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the 7th June, 194 1.

Tel. Address.—"DEPCOM"
Post Box No. 34.

7139 Gen. P

SECY. LAW DEPT 11 JUNE 1941 GOVT OF MYSORE

FROM

M. Seshadri, Esq., M.A.,
Deputy Commissioner,
Bangalore District.

11/61

To

H. V. Narayana Rao, Esq., B.A., LL.B.,
Secretary
to the Government of Mysore.,
Law Department, Bangalore.

SIR,

Subject:—

With reference to correspondence ending with your letter No.P. 6048-Law dated 28th May 1941, regarding the course of further action to be taken against the order of the Second Munsiff, Bangalore, in Mis. Case No.173/33-34 on his file etc., I have the honour to forward herewith, as desired, this office files bearing No.D.Dis.C5-2337/35-36, D.Dis.C5-3443/31-32 and a certified copy of the order of 14-9-1935, passed by the Second Munsiff, in the above case.

I have the honour to be,
Sir,
Your most obedient servant,

M Seshadri

Deputy Commissioner,
Bangalore District.

KRG.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19* .

Date of issue 1/7/41

Signed by Hon. K.P.P.

List of enclosures.....

Copied by .....

Examined by .....

Immediate

Section

File No.

Serial No.

No. P 8

To

~~The District Ma~~

The Deputy Comr.

Bangalore District.

Subject:- Course of action to be taken against the order of the II Munsiff Bangalore in Mis. case. 173/34-35.

Sir,

With reference to the correspondence ending with your letter no. C-5-3756/37-38 dated 7th June 1941 on the above subject, I am directed to request you to Consult the Government pleader

Bangalore District in the matter immediately and that if a suit is decided to be filed, necessary action may be taken for filing the suit within the 18th of this month as the remedy would become time barred otherwise

(xxx)

The records received from your office together with the Secretariat file Law 71-378-1-5 have been handed over in person to the Govt Pleader Bangalore District to-day.

An officer who knows personally G.P.'s of Bangalore & Chittoor all the facts of the case may be sent immediately to the Govt Pleader Bangalore District for giving him further instructions if any in the matter

I have etc

Sd/-

For Secy to Govt

No. P9 SI 7.7.41

Law Dept

Copy of the above is forwarded with compliments to the Govt Pleader, Bangle for information & order.

Sd/-

For Secy to Govt Law Dept

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

IMMEDIATE.

Dated, Bangalore, 1st July 1941.

No. P. 8.

From

The Secretary to the Government of His Highness
the Maharaja of Mysore,
Law Department.

To

The Deputy Commissioner,

Bangalore District.

Sir,

Subject: Course of action to be taken against the order of the II Munsiff, Bangalore in Mis.Case 173/34-35.

With reference to the correspondence ending with your letter No.C.5.3756/37-38 dated 7th June 1941 on the above subject, I am directed to request you to consult the Government Pleader, Bangalore District in the matter immediately and that if a suit is decided to be filed, necessary action may be taken for filing the suit within the 18th of this month, as the remedy would become time barred otherwise.

The records, received from your office together with the Secretariat file Law 71-37 sls. 1-15 have been handed over in person to the Government Pleader, Bangalore District ~~xx~~ today.

An officer, who knows all the facts of the case, preferably the Sub Division Officer of Bangalore and the Amildar, may be sent immediately to the Government Pleader, Bangalore District for giving him further instructions, if any, in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government,
Law Department.

Memo. no P 8 Date 1.7.41

Copy of the foregoing is forwarded to the Govt Pleader, Bangalore TN-2) Permit for information

1395-387

E. VASUDEVAMURTHY, B.A., LL.B.
GOVERNMENT PLEADER

75, CHICKPET.
BANGALORE CITY

No. 29A

Date 21st July 1941.

h
21/7/41

The Secretary to Government,
Law Department,
B A N G A L O R E.

Sir,

Subject: Course of action to be taken against the order of 2nd Munsiff, Bangalore. Mis. Case No. 173 of 1934-1935.

Flag 'E'

I have the honour to forward herewith a note containing a detailed report of the litigation connected with the above matter together with my opinion regarding the course of action which we may take, wherein I have confirmed the opinion I gave when I discussed the matter with you and the Assistant Secretary in person, that there is not need for the Government to file any suit at present.

I am returning herewith all the files relating to the matter which I had taken from you.

As enclosures to the note I have annexed a copy of the objection statement filed by the Public Prosecutor on 19-6-1940 and the order of the 2nd Munsiff thereon for purposes of easy reference.

Flag 'C'
Flag 'D'

I have the honour to be,
Sir,
Your most obedient servant,

P Vasudevamurthy

Government Pleader.

Encl:

Copy to the Deputy Commissioner, Bangalore Dst. with compliments.

In the matter of Survey No. 67 of Kethmaranhalli village, Bangalore Taluk.

The earlier facts, relating to this matter are set out in detail in the order of the Second Munsiff, Bangalore, dated 14-9-1935 in Mis. No. 173 of 1933-1934. One, Lakshmiah Setty as an assignee of a decree in O.S. No. 268 of 1919-1920 obtained against one, C. Ramachandra Rao, Khatedar of Survey No. 67 in Kethmaranahalli village, Bangalore Taluk (which is now in dispute) brought the entire S. No. to sale and purchased it himself, and after the sale was duly confirmed applied for delivery of possession. That application was resisted by some 16 opponents, opponents 1 and 2 therein being brothers of C. Ramachandra Rao. Opponent No. 16, Mr. C.V. Subramanya Iyer claimed that he had purchased a portion of the land as a building site under a registered deed of sale dated 30-6-1921, that he had constructed a substantial building thereon and that he was therefore entitled to remain in possession. The other opponents similarly contended that they had also purchased sites i.e., pieces of that land which C. Ramachandra Rao seems to have parcelled out and sold as sites, from C. Rama Chandra Rao or his brothers and that they had built houses on those sites and were not liable to be dispossessed. The Munsiff held that opponents 1 and 2 had not shown sufficient cause to resist delivery of possession and rejected their claim. They do not seem to have taken any further action in the matter. The 16th opponent, the Munsiff held, had purchased his plot subsequent to the decree and had built his house subsequent to the court sale in 1926 and therefore was subject to the charge and the subsequent court sale in favour of the petitioner and could not resist

the petitioner's application for delivery of possession. Similarly he found that the others had also purchased the plots and built houses long after the suit and the court sale, as those sale deeds had come into existence subsequent to 1930. In the concluding para of his order, the Munsiff points out "that the transferees have not proved good faith in buying the sites or building houses thereon and had taken no pains to enquire into the title of opponents 1 and 2 or their brothers". He directed that the petitioner was to be put in possession by removing the obstructions. Subramanya Iyer thereafter appears to have filed a suit in O.S. 205/36-37 on the file of the Second Munsiff, Bangalore, for setting aside that order and for a declaration that he was absolutely entitled to the site and the house thereon. As he failed to pay proper court fee and the value of the site and the house thereon was beyond the pecuniary jurisdiction of the court, his suit was dismissed on 5-8-37. In that suit, he did not rely on the order of resumption passed by the Deputy Commissioner under Section 64 of the Land Revenue Code nor did he take any further action by way of appeal etc., in that suit. In the meantime, it appears to have been brought to the notice of the Revenue Authorities that Survey No. 67 which was an agricultural land "was being used for non-agricultural purposes by being cut up into building-sites, that people were building houses on them unauthorisedly in an irregular way in total defiance of the Revenue Law that if that state of affairs should be allowed to be continued, a most unsatisfactory suburb in the immediate neighbourhood of Bangalore without in some cases even means of approach to some of the houses would be brought into existence that in view of the fact that several plots of land had been sold to a

number of persons, even a disposal of application for conversion was beset with considerable difficulty and that there was also a likelihood of the breach of the peace." The Deputy Commissioner, Bangalore District, thereon passed an order on 25-8-1934 in Rev. Case R. Dis. C5 3448/31-32 under Section 64 of the Land Revenue Code resuming the land to Government. He further directed that after the land was so resumed, sites should be properly laid out providing for roads etc., and in disposing off the sites, due regard should be had to the claims of the persons who established their titles to them and the plots should be confirmed to such of the claimants as were found to have the best rights, recovering from them a conversion fine as well as upset prices. Lakshmiah Setty took this order up in appeal to the Revenue Commissioner who by his order dated 1/2-7-1935 in Revenue Appeal No. 71 of 34-35 confirmed the order of the Deputy Commissioner. An appeal to Government was also dismissed. The Resumption Order therefore can be said to be definitely binding on Lakshmiah Setty though as a matter of law he need not have been consulted in the matter as he was not the Khatedar. Nevertheless, Lakshmiah Setty continued in his attempts to obtain possession through the II Munsiff's Court in Mis. No. 173 of 33-34 and he appears to have managed to obtain possession of the house belonging to Subramanya Iyer. Subramanya Iyer thereupon appears to have filed an application on 7-11-1940 for restoration of possession in Mis. 121/40-41. In that application he relied on the order of Resumption passed by the Government. The Munsiff dismissed his application on 5-4-1941 holding that whatever may be the order of the Revenue Authorities in respect of the said property, it does not affect the "contractual rights existing between the parties" and

that Subramanya Iyer was a party to the previous miscellaneous proceedings as well as to the original suit and that the paramount title which he now claims must have been within his knowledge when he was fighting out his case in O.S. 205 of 36-37 that he ought to have urged the same and obtained relief in that suit alone. Against this order Subramanya Iyer appears to have preferred an appeal to the District Court in R.A. No. 195 of 1940-41 and a C.R.P. to the High Court which are both pending. I have spoken to his Advocate in that case and suggested to him to rely on Section 47, C.P.C. and contend that the decree has become incapable of execution by reason of the order or resumption. About this time, the Public Prosecutor who was then the Government Pleader made an application on 19-6-1940 by way of objections in Mis. 173 of 33-34 under Section 151 and Order 21 Rule 99 C.P.C. referring to the order of resumption and stated that the petitioner was trying to obtain possession wrongfully from the opponents That objection was rejected by the Second Munsiff who in his order states "that the learned counsel who appeared for the Deputy Commissioner was unable to point out any provision of Law under which he filed the objections and he is further unable to point as to how at this stage a third party whatever may be his rights can come in. The Deputy Commissioner has got other remedies in Law. His contentions now raised cannot be taken notice of in this application at this late stage and cannot be heard now when the final order in this matter has been passed by this court as well as by the appellant court. I therefore, order that delivery of possession of the properties should take place after removing obstruction." Lakshmiah Setty was unable to obtain possession of the rest of the land and

houses in spite of obtaining the Court's order in his favour. He sought police help and that was not forthcoming. The Deputy Commissioner wrote to the Court to the effect that as the Government were the owners of the land and interested in it, police help could not be given. His application for delivery of the possession has been dismissed for default on or about 12th March, 1941, and no steps have yet been taken by him to revive it, as far as I was able to ascertain from the Court records.

Apart from this litigation, there is another litigation which is also going on and which may be referred to at this stage. One, Kota Nanjappa Setty filed a suit in forma pauparis in O.S. No. 8 of 36-37 on the file of the Addl. District Judge, Bangalore, on foot of a registered hypothecation bond executed by Ramachandra Rao ~~and others~~. To that suit nearly 80 persons who were said to be in possession were made parties but not Subramanya Iyer. Lakshmiah Setty was also impleaded as being a subsequent mortgagee. That suit has been decreed for nearly 15,000/- rupees and execution proceedings are going on in Execution Case No. 189 of 40-41. Sale notices have been issued and the case is posted to the 21st of July 1941. If the property is sold in execution of that decree, Lakshmiah Setty's rights will probably get wiped out and Nanjappa Setty will start delivery proceedings on his own account.

In the said O.S. 8 of 36-37, the Deputy Commissioner Bangalore District was made party and he and other defendants pleaded the order of resumption. The District Judge dismissed the suit as against the Deputy Commissioner as not being maintainable and decreed the suit holding that no materials had

been placed before him to decide upon the nature scope and extent of the resumption order. That decree has not been appealed against and it is difficult to say what exactly will be the effect given to that judgment later in execution and delivery proceedings against the 80 persons who were parties to that suit. I have applied for a copy of that judgment and will be forwarding it to Government early. Those defendants might have to put forward their contentions again on the execution side to get a decision.

In this state of things, I have been asked whether the Government are bound to file a suit under Order 21 Rule 103 under Art. 11 (a) of the Limitation Act to set aside the order in the miscellaneous case, and to establish their and the site-owner's rights in the land. I am of the opinion that it is not necessary to file any such suit at present at least. First, the objections dated 19-6-1941 filed in Mis. 173 of 33-34 cannot amount to an application under order 21 rule 98 99 or 101 C.P.C. nor has any order been made as yet against the Government under those rules nor have the Government made or failed in any application after dispossession. As pointed out by the Munsiff, there is no provision of Law under which such an application as was then made could have been made at all. Secondly, such a suit even if necessary may be filed under Art 149 of the Limitation Act within 60 years and we may wait and think of filing any suit for declaration and establishing our title.

Even as regards the necessity for filing a suit at all, I am of the opinion that Government ought not to.

file such a suit except as an extreme resort. There has been so much of litigation and the situation is beset with considerable legal complications, owing to the enormous negligence of the various purchasers of the sites in not enquiring about their vendor's title, and in not taking necessary and proper steps at proper times to resist the suits and other proceedings of Lakshmiah Setty and Nanjappa Setty and putting up buildings during the pendency of the suits and other proceedings which may be contended to be binding on the parties to them.

Moreover, if we have to file a suit, we will have to say that on the faith of and after our grants of title deeds houses have been built etc., which is not correct in the majority of cases, I am informed that a number of unauthorised constructions have sprung up and are being put up even now without obtaining any title deeds. It is also a point to be considered whether the Government can sue for a declaration about their title as regards the lands, the possession and title to which have been parted by them in favour of others. I am informed that there are nearly 350 houses which have sprung up on the land. There is no order of the Civil Court against all of them and if a declaratory suit fails for any reason they will all be imperilled and the Government may become committed to them seriously. It would be a great advantage if either Lakshmiah Setty or Nanjpaa Setty are driven to a suit in which the Government would be merely defendants.

As the Government have resumed the land under Section 64 of the Land Revenue Code, I think Government's powers to retain possession, protect its grantees and to evict any trespasser under Section 209 of the Land Re-

Revenue Code with the help of the police or through the use of proceedings under Sections 144 or 145 of the Criminal Procedure Code ought to be sufficient to prevent disturbance of Government's possession.

If any of these persons who were not parties to the miscellaneous proceedings set out above apply to the Deputy Commissioner, steps may be taken to preserve their possession by taking suitable action either on the Revenu Side under the Land Revenue Code Section 209 or under Sec. 144 or 145 of the Criminal Procedure Code. The order of resumption must be given full and systematic effect to and possession of the entire land except of course, portions already built up on taken over effectually by Government on the Revenue side, further building rigorously prevented and one or two unauthorised constructions destroyed so that it may be a warning to the others. The Deputy Commissioner may have to be requested to issue necessary instructions to the police and to the Taluk Authorities to protect the possession of persons to whom title deeds have already been given by Government and the Government's rights widely notified by Gazette Notification by tom-tom or in some local newspapers.

P. Vasudevamurthy
Advocate & Govt. Pleader

No-P376/Law-71-37-16.

Encl & records.

25th July 1941.

The Deputy Commissioner,

Bangalore District.

Subject: Course of further action to be taken in regard the order passed by the II Munsiff in Miscellaneous Case No.173/34-35 on his file.

S i r,

In continuation of this office letter No.P.8 dated 1st July 1941 on the above subject, I am directed to forward herewith for necessary action a copy of letter No:204 dated 21st July 1941 received from the Government Pleader, Bangalore ~~got~~ together with a copy of his note appended to it.

The two files of records and the copy of order received with your letter No.C.5.3756/37-38 dated 7th June 1941 are also herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,
Law Department.

TN-2)

Appendix F G—1]

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19*

Date of issue 28.7.41

Signed by Hon. K.P.P

List of enclosures.....

Copied by 25/7/41 P.U.D. II

Examined by Hon. K.P.P

Section

File No.

Serial No.

No. P374/Genl. Sec & Records

To

The Deputy Commr

Bangalore District

Subject:- Course of further action to be taken in regard to the order passed by the II Munsiff in Miscellaneous Case no. 173/34-35 on his file.

Sir

In continuation of this office letter no. P.8. dated 18th July 1941 on the above subject, I am directed to forward herewith for necessary action a copy of letter no. ND. 204 dated 21st July/41 received from the Govt Pleader Bangalore together with a copy of his note ~~the original note received therein~~

appended to it and to request that the original Note of the Court may kindly be returned after ~~making a copy~~ getting a copy made thereof

The two files of records and the copy of order received with your letter No. C. 5. 3756/37:38 dated 7th June 1941 are also herewith returned.

Hag'D'

I have etc...

h

The Secretary to the Govt. Lawdesh